

**In the United States District Court  
for the Southern District of Georgia  
Savannah Division**

BRITISH MARINE LUXEMBOURG,  
S.A.,

Plaintiff,

vs.

DEEP SEA FINANCING, LLC,  
and DRAGADOS MUNDIALES DEL  
CARIBE S.A. DE C.V.,

Defendants.

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CV 409-023

**ORDER**

Presently before the Court is Plaintiff British Marine Luxembourg, S.A.'s ("British Marine") Motion to Dismiss this interpleader action without prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. (Dkt. No. 113.) A motion for voluntary dismissal under Rule 41(a)(2) should generally be granted "unless the defendant will suffer clear legal prejudice, other than the mere prospect of a subsequent lawsuit, as a result." Potenberg v. Boston Scientific Corp., 252 F.3d 1253, 1254 (11th Cir. 2001) (quoting McCants v. Ford Motor Co., Inc., 781 F.2d

855, 857 (11th Cir. 1986)). Because Defendants will not "lose any substantial right by the dismissal" of this action, Potenberg, 252 F.3d at 1254, British Marine's Motion is **GRANTED**. (Dkt. No. 113.) This interpleader action is hereby **DISMISSED WITHOUT PREJUDICE**. Should British Marine later commence a similar action against Defendants, the Court may award costs to Defendants pursuant to Rule 41(d).

**SO ORDERED**, this 14<sup>th</sup> day of May, 2010.

A handwritten signature in black ink, appearing to read "L. Godbey Wood", written over a horizontal line.

HONORABLE LISA GODBEY WOOD  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA